

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 11

7:00 p.m.

20 09

CALL TO ORDER:

1. The council meeting was called to order Monday, May 11, 2009 at 7:00 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Rev. Lindberg.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Revoldt: Thank you Reverend. Clerk, would you please call the roll.

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumber, Director of Economic Development Bowles, City Engineer Benekos, Rental Coordinator Raymond, Superintendent of Permits & Inspection Hampton and Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes – April 27, 2009
Mayor's Court Receipts – March, 2009

Mr. Revoldt: We have for our approval this evening minutes of the council meeting of April 27, 2009 and Mayor's Court Receipts for March, 2009. Are there any corrections or amendments to the minutes – questions regarding the receipt?

Mr. DeOrio: Mr. President, barring any amendments or corrections I would move for adoptions as presented.

Mr. DeOrio moved and Mrs. Kiesling seconded to approve the minutes of the council meeting and mayor's court receipts as presented. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

6. Committee Minutes

Mr. Revoldt: We also have for our approval committee minutes for executive sessions for personnel and safety held on the 27th of April and on May 4, 2009; we have committee minutes for Finance & Property; Ordinance, Rules and Claims; Personnel and Safety; and Water, Sewer and Rubbish all held on May 4th. Are there any corrections or amendments to those minutes?

Mr. DeOrio: Barring any Mr. President I would move for passage as submitted.

Mr. DeOrio moved and Mr. Peters seconded to approve the executive session and committee report minutes as submitted. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio

No: 0

Executive Session (Personnel & Safety): Please refer to the minutes on file in the Council Office for the Executive Session meetings on Personnel & Safety held April 27, 2009 and May 4, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held May 4, 2009.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office for the Ordinance, Rules & Claims Committee meeting held May 4, 2009.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office for the Personnel & Safety Committee meeting held May 4, 2009.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office for the Water, Sewer, & Rubbish Committee meeting held May 4, 2009.

7. Recognition of Visitors

Mr. Revoldt: Very good, thank you. Recognition of visitors, is there anyone here who wishes to address the Council?

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Mr. Revoldt: Mr. Breckenridge.

Larry Breckenridge: Thank you Mr. President. My name is Larry Breckenridge I am a resident in the southeast end of North Canton, 3rd Ward. I'd like to mention two things that I have heard discussions on a personal basis and overheard neither of which are news items to this council, but I would like to venture some opinions of not only mine but some associates and very good friends of mine here in North Canton. The first has to do with a possible survey that I understand council has had some conversation about sending out to the residents of North Canton. And I had heard that there may have been some hesitancy by members of council and/or administration in sending it out because of financial constraints and/or the feedback, how it would be compiled, some of the things that go hand in hand with doing a survey like that. I would really encourage council to give long and hard thought to do doing this. I think that there are many many benefits that can be derived from sending out a survey to the residents of North Canton, not the least of which is to get their opinion on some extremely important issues facing all of us. In so far as helping in the follow up to make sure that you get a good return on the survey to help in the tabulation there are an awful lot of organizations and volunteers in this community who I think would be more than willing to help at absolutely no cost in the tabulation, in the telephone follow up to make sure that you get more than a one or two percent. I would think that if you don't get a ten percent return on your survey somebody's not doing a very good job. So most of the people that I have talked to were not really aware that a survey was even being considered, but having been told that it was are very much in favor of that. Item two goes back to the issue that everybody is addressing now and that is the financial condition of the city. And we all heard at the city town hall meetings about the cuts and all of the things that all of you are considering right now. One of the questions that I asked at one of those meetings had to do with the other end of any kind of a financial challenge which is not only cuts on one side but attempts to increase revenue on the other side. And again, speaking only for myself because I'm the only one here, but there are an awful lot of friends of mine in the same boat, retired. Today you don't get any of my income because it's not classified as wages. I would consider doing something to pay my fair share as a resident of North Canton from my pension, social security retirement income with a lot of provisos, now obviously. And friends of mine who are in the same position, lady and gentlemen, believe me are more than willing to consider this kind of an approach with again some provisos. We're not saying start from dollar one, we are saying start from some other kind of a level. We don't know what that is. We are not saying that this should go on forever. There should be some kind of a sunset provision. This should only go for X time. Maybe it should be tied to other revenue sources. Whenever you reach A this diminishes or ends, something like that. Again, there are a lot of possibilities. And I think that we may have some lead way in doing this being a charter city, but Mr. McFarren and all of your have the expertise to answer that. I'm just saying there are a lot of people in my position who I have talked to about this and after the initial shock reaction have said hey maybe that's a good thing to consider. So those are my two points. Thank you very much for hearing me.

Mr. Revoldt: Thank you.

Mr. Davies: Thanks Larry.

Mr. Revoldt: Does anyone have any questions for Larry on ...

Mr. Davies: Well Larry and I had talked. Larry is in my ward and is a friend and has been kind to me through the years here – through the couple years I've been here. But he felt very strongly about particularly the survey and was willing to help anyway he could and felt it would be a good idea. I did notice though Larry when spoke about taxing pensions an elderly gentleman in the back passed out. But I know your friends care about it so that's a good thing.

Mrs. Kiesling: I'd just like to say Larry and I have talked personally about this and several other of your friends and Daryl and I have spoke about it. It's not something we haven't forgotten about it's just something that would have to be very delicately approached and we're not sure how to do that quite yet.

Mr. Davies: It really speaks – I mean that somebody is willing to say okay I'm willing to pay my fair share and go ahead and tax me on it. Not too many people would do that so I do applaud that.

Mrs. Kiesling: Yea, thank you.

Mr. Revoldt: Any other questions or comments for Larry at this time on either subject - Administration, Finance Director?

Mayor Held: No, I'd just like to thank you for your input. I think that if the council decides to move ahead with a survey I think you bring up some very good points. There are a lot of experienced people in the city that maybe we could establish a committee at that time to help to formulate the survey and implement it and collect the data.

Mr. Revoldt: Okay, our next speaker. State your name and address. Welcome.

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Ken Sharkey: I'm Ken Sharkey. I live at 504 Glenwood SW – a block from the middle school and a block from the golf course. And I have my wife along with me, Mary Sharkey, who is involved in this program too. The program that I want to enlist everybody's help with is the war against the gypsy moths. Now you probably all remember from last year the gypsy moths attacked our neighborhood and literally hundreds of thousands of varmints came up and ate the leaves on the trees and crawled out of the trees during the evening hours down into the ground and then went back up into the trees during the evening hours to eat at the leaves. What's happened to our trees is that a lot of the leaves have been eaten by these gypsy moths. In our little neighborhood at the top Glenwood there probably are somewhere between fifteen and twenty trees that have been attacked. And there really isn't any good solution to it as an individual owner or resident. It takes a group to do something about it. Now Earle was out, thanks for being proactive Earle, because he managed to get the state people in to look at the problem and I think they've decided their problem wasn't our problem. And so now we have a problem because we have these trees that need to be treated now because the gypsy moths are going to come out the end of May and they're going to climb up in the trees and eat the leaves and we're going to end up having to destroy, cut down a lot of the trees that really make our city beautiful. Of course it's to our benefit too because they make our neighborhood beautiful. So I'm really requesting all of you to help me and help my neighbors satisfy this problem by spraying the trees cause that's the only method that's really works from what I've done – I mean what I've looked into from a research standpoint. I think we all have to remember that there's really nothing as beautiful as a tree. Thank you.

Mr. Revoldt: Thank you Mr. Sharkey.

Mayor Held: Thank you Mr. Sharkey.

Mr. Revoldt: Mr. Wise.

Mr. Wise: Yes, we did have a Kyle Hoppes from the Department of Agriculture come up; Alex got a hold of him. He came up took a look at the area, looked at the golf course, we were in Mr. Sharkey's backyard. Last year there were a lot of gypsy moths in that one particularly I don't know two block area maybe. We couldn't find any evidence of them on the golf course. We didn't really find any evidence of any new nests or new egg sacks even in Mr. Sharkey's backyard. There are a lot of egg sacks this Kyle knew what to do and then pressed on them and he said they were – the only ones that he could find with the exception of one or two were old. They were not new egg sacks with eggs in them. There is a particular type of fungus I have no idea what – he gave me the name but I couldn't repeat it for you, that sprung up last year during the season for them and a lot of them didn't get to the moth or mating or reproducing stage. Whatever we found is not enough area for the state to become involved. They need fifty areas of an infestation. And we looked in a number – and it has to be all in one place. So even if it's the same as last year, it's not a big enough area for the state to become involved in spraying. Kyle suggested that we go back out. I went out last weekend or last week, went to Mr. Sharkey's backyard in that area there I didn't see any evidence of it. He said you would start seeing these little creatures crawling up the bark. Mr. Sharkey has like some is it like 100 mile an hour tape or duct tape around aluminum foil type stuff around one of the trees and there's – there were a lot of little ants on them but I didn't see anything that looked like the larva for gypsy moths. Mr. Hoppes suggested we continue to check it, call him back, but at this point, based upon his experience, last year this fungus which blossomed in large numbers or large quantity seemed to have really knocked it down. Now there's no guarantee of that. They may be back. But at this point we just have to see if they are on an ongoing basis.

Mr. Revoldt: Mayor.

Mayor Held: I am wondering if maybe we could look at a way to fund the treatment. He didn't give any idea as far as how much it would cost ... did they?

Mr. Zumbare: No.

Mayor Held: But what I'm wondering is that obviously the state will pay for something that's over fifty acres and what we might consider is what the cost might be if we do a smaller project. Obviously we're not equipped to do the treatment, but maybe we would be able to pay the state if we felt that it was necessary to do that.

Mr. Foltz: I'll add to this. In Canton City parks they were sprayed twice last year. As Earle indicated, he's absolutely right, if you contacted the state you're getting all the same information we got. You have to have so many sightings of this or nests per fifty acres and that's a hard criteria to meet. But I think the state's even been cutback on that. They – I think we looked into this year and they said there was going to be no money for that. So...

Mayor Held: The City of Canton...

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Mr. Foltz: And that's by plane you've got to come in with a plane it looks like you're crop dusting really out in the farms and that's how they handle that. As far as the other spraying situations I'm not quite sure how effective it is. There's various remedies you try to do, but as Earle indicated I think the fungi just helped keep a lot of this in check and we've been fortunate in this area. So there's no real good solution unfortunately. I love the trees too and I wish there was a certain thing you could put in the ground and feed through the roots and it would take care of the problem, but it's just not that simple. So what we would do is burn some of those nests in some of our parks with like a little butane lighter and that seemed to be quite effective for a little while this time of year well even a little earlier, so that's something. If you haven't seen them on the trunks right now that's a positive.

Mayor Held: Well maybe what we could do is just look at what the cost might be.

Mr. Snyder: I think Mayor, Mr. Sharkey what was the cost from the fellow, the nurseryman that gave you a ballpark price on the cost per tree did he not.

Mr. Sharkey: Davey Tree was 1200 to \$1,500 tree.

Mr. Snyder: Per tree.

Mr. Foltz: Per tree.

Mr. Sharkey: Per tree. And they have equipment that actually sprays all the way into the branches of the trees.

Mr. Snyder: Yea, right.

Mr. Sharkey: Not many other local people have anything that will work. And yes, in answer to the spraying by the state or you know using an airplane that does work.

Mr. Foltz: Right.

Mr. Sharkey: But you know we're three or four weeks away from this invasion happening.

Mr. Foltz: Right. We were successful with it last year.

Mayor Held: So you did – the City of Canton did have a crop duster?

Mr. Foltz: Yes.

Mayor Held: That the City of Canton...

Mr. Foltz: Yea, one park – Nimishillen Cook Park that's the only one met the criteria out of that whole large vast park system and areas and neighborhoods. That's how hard it is to qualify. By the time you qualify it's almost too late. And then if the program's not offered and there's no money you know it's a catch twenty-two. So...

Mr. Snyder: Well the other problem is if you're going to be that invasive I think there's a period two, three weeks you've got to notify the residents because of respiratory situations. So by the time you would get the state to spray they would of already been hatched. So if we're going to do anything we'd have to do it ourself on an individual basis.

Mr. Wise: Inaudible... the area that he saw he said you know even if it's the same as last year it wouldn't qualify for the state program.

Mr. Foltz: Correct.

Mr. Wise: And I mean I can't give you an acreage it's one maybe two acres where we saw and no matter what it costs to spray per acre would someone come in an spray it for one or two acres. And then do you spend public funds for one or two acres? I mean those are just questions I have at this point.

Mary Sharkey (identified by President of Council – speaking from audience): Well that one or two acres could certainly spread to a lot more acreage if it's not taken care of ...inaudible...

Mr. Wise: I understand. But – and that's why he came out to look for evidence of that and even in your backyard or the neighbors backyard he couldn't find any – well I take that back, I think there was one on the eave of a house where he thought it was a fresh sack of eggs. Everything else that he could see you know I didn't - couldn't tell the difference but he was - pressed on them and could tell that they were old egg sacks, wasn't going to be anything coming out of that this year. But told us to keep going out and checking and I did last week but did not see anything ...inaudible...

Mrs. Sharkey (speaking from audience): Well we were gone last year when apparently this started and it was closer probably to the middle of June till till ... really you could see the onslaught of them.

Mr. Wise: Okay.

Mrs. Sharkey (speaking from audience): By that time there was absolutely no way you could do anything about them.

Mr. Wise: Okay.

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Mr. Revoldt: Let's do this first of all let the record show that that was Mrs. Sharkey speaking. Number two is let's find out how much money we're dealing with here. I think Mrs. Sharkey does have a point that if we have a contagient it might be in our interest to contain it. So let's find out first of all what – whether it's feasible from a financial standpoint and then we can make a – we'll make a decision. If that's – council's agreeable. Fair enough? And we'll go from there. Is there anyone else who wishes – Mr. Osborne.

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE North Canton, Ohio. In all – in all due respect to Mr. Breckenridge who spoke earlier on behalf of the survey, my feelings would fall on the opposite of that viewpoint, pretty much along the lines of Mr. DeOrio who spoke against really the validity of what that information would provide you. I didn't get a chance to talk to Mr. DeOrio after you spoke and I can't remember whether that was a week ago or when but we don't have that in the record because we don't transcribe the Council of the Whole, but yes it's very hard to validate the information, determine what it tells you. They have to be scientifically designed. I don't understand really the value of somebody's viewpoint if they don't have all the facts. I would much rather see if any money be spent because you'll be talking some thousands of dollars just in mailings and then you have to tabulate it like Mr. Breckenridge had said. I'd much rather see that money spent containing this gypsy moth that these gentlemen and his wife are talking about. That has more value to the city. And the criteria of waiting till you have fifty acres destroyed before you do anything doesn't makes ... any sense to my either. I do also want to commend Mr. Breckenridge for his offer to – to contribute to the city's financial health with contributions that he's normally would not be expected to pay. I'd also like to get it on the record that I think it's the last time I looked there's \$953,000 set aside ... to go to the city's Community Improvement Corporation to handout to businesses. So I would think that it would be prudent for people who want to make an offer to – to contribute to the city's revenue shortfall that they might want to realize that there's pretty close to a million bucks of their tax dollars that they've already paid into the city that have been pulled out of the general fund and are setting there. I think that's money that should be used for maybe taking care of the gypsy moth problem or paying for the \$50,000 for the – what is it the design for North Main Street street improvements. There are many items on our wish list and that nearly million dollars would – would go a long way in taking care of some of those needs. Thank you.

Mr. Revoldt: Is there anyone else who wishes to address the Council? Yes sir.

Jeffrey Ury: My name is Jeffrey Ury with DeHoff Realtors. And I'm here today to represent a group called Art in the City North Canton. My intention today is to just bring to the attention of council what we've been working on – hopefully ask for your support. What we would like to do is bring an event to North Canton City a Sunday art walk called Sunday in the City. A family oriented event very similar to First Friday. Not quite the scale that First Friday is of course. But we have several businesses, local businesses, local artists, restaurants that are onboard with us. We're planning it for June 14th of this year. I think to date we have probably 20 to 30 committed artists. The Playhouse is onboard bringing performance artists and musicians. We have another group that's bringing some other musicians and we're hoping to create a nice family oriented event centered around the square of North Canton. And we're working on the restaurants to make sure that they're open so that hopefully they can enjoy a very successful day. Our hope is that we can bring fine arts to the people of North Canton. Hopefully bring some economic boost to the City of North Canton. As we seen what First Friday has done to the City of Canton we're hoping that Sunday in the City does the same for North Canton. And I applaud Mr. Bowles for his help. He's been a big help to getting our group organized. The Permit Department has been very helpful at giving us guidance on what we need to do as far as permitting. And that's it.

Mr. Revoldt: Any questions, comments from Council?

Mrs. Kiesling: What exactly do you need from us?

Mr. Ury: Nothing.

Mrs. Kiesling: Okay.

Mr. Ury: Just support.

Mrs. Kiesling: It's easy.

Mr. Ury: Just mostly want to make you aware of it so you know why there's going to be lots of people walking around North Canton on June 14th.

Mrs. Kiesling: Great.

Mr. Ury: We're hoping that this is going to be a reoccurring event and we can maybe bring some Arts in the Park to maybe Price Park, Bitzer Park, so on. So we see this as something that's going to continue to grow and benefit the city.

Mrs. Kiesling: That's great.

Mr. Revoldt: Mr. Bowles has promised you sunshine, correct?

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Mr. Ury: Yes he has. He said it would not rain.
 Mr. Revoldt: Very good.
 Mr. Ury: We will hold him to that. Thank you.
 Mrs. Kiesling: Thank you.

Mr. Davies: We're not closing streets off or anything like that?
 Mrs. Kiesling: We're not ...inaudible...

Mr. Ury: No, we're not going to close streets. We're trying to keep everything centered to one side of the road and to the square so that there'll be crosswalks.

Mr. Davies: Over on the lawn over there?

Mr. Ury: And the Hoover lawn, right. We want to take advantage of the crosswalks and not have people darting across the road so that safety is not a concern.

Mr. Davies: No, I hope it works out real well for you.
 Mrs. Kiesling: Well that's good.

Mr. Ury: Thank you.

Mayor Held: Very very nice.

OLD BUSINESS:

8. Mr. Revoldt: Okay. Anyone else who wishes to address the Council at this time? Okay, you'll get one chance at the end. Seeing none, let's move on to old business. Item 8, a motion to read by title only, third reading Ordinance 33-09.

Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, third reading of Ordinance No. 33-09**. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, DeOrio, Foltz.
 No: 0
 Abstained: Davies.

Ordinance No. 33-09 – 3rd Reading – Community & Economic Development

An ordinance authorizing an agreement with The Fred W. Albrecht Grocery Company dba Acme Fresh Market #16 providing for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area Program, and declaring the same to be an emergency.

Mr. Revoldt: Marcia.

Mrs. Kiesling: I think we've beat this one up. So any other questions, comments, issues? I motion we accept.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the third reading of Ordinance No. 33-09**. All members present voting:
 Yes: Peters, Revoldt, Snyder, Foltz, Kiesling.
 No: DeOrio.
 Abstained: Davies.

9. Mr. Revoldt: Item 9, a motion to read by title only, third reading Ordinance No. 34-09.

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 34-09**. All members present voting:
 Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
 No: 0

Ordinance No. 34-09 – 3rd Reading - Water, Sewer & Rubbish

An ordinance approving, confirming and accepting a thirty (30') foot Perpetual Water Utility Easement Agreement by and between the City of North Canton, an Ohio Municipality, ("Grantee") and Faith Family Church ("Grantor").

Mr. Davies: Exactly what it says, we're paying one dollar for an easement that originally would of been – we would have had if a road had been put in. The road was never put in but we need the easement to maintain the waterlines. Therefore, I move that we accept.

Mr. DeOrio: Second.

Mr. Revoldt: Is there a second? Was it seconded?

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Mr. DeOrio: Yes, I did.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 34-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

10. Mr. Revoldt: Item 10, a motion to read by title only, third reading of Ordinance 35-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, third reading** of Ordinance No. 34-09. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Ordinance No. 35-09 – 3rd Reading – Finance & Property

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue seven (7) of the existing and modify one (1) of the Community Reinvestment Area ("CRA") agreements.

Mr. Snyder: Mr. President, members of Council, seven of the eight are compliant as to income and employees. The eighth is compliant to income but lacks the designated amount of employees, which I think they've arranged to change. And that's that.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 35-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

11. Mr. Revoldt: Item 11, a motion to ready by title only, second reading of Ordinance 36-09

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, second reading** of Ordinance No. 36-09. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Ordinance No. 36-09 – 2nd Reading – Street & Alley

An ordinance amending PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE of the Codified Ordinances of the City of North Canton by the addition under TITLE ONE – STREET AND SIDEWALK AREAS of a Sidewalk Policy and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, we've had much discussion on this and everybody has gracefully submitted their ideas which we were able to incorporate into this ordinance. I would only ask that if we might consider passing this under an emergency to take into account for any possible project that might be forthcoming, take advantage of any construction time that would be available. Failing to due that the other reading 30 days under the normal passage procedure you know puts us well into the year. That's for Council's consideration.

Mr. Revoldt: Any other questions or comments on this? Any concerns? Seeing none then let's have a motion to adopt the first reading of ...

Mr. Davies: So moved.

Mr. Peters: Second.

Mr. Foltz: Second reading.

Mr. Revoldt: Second reading, I'm sorry.

Mr. Davies moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 36-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Mr. Revoldt: Now may I have a motion to suspend the rules for Ordinance 36-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 36-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

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Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 36-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 36-09. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

NEW BUSINESS:

12. Mr. Revoldt: Moving on to new business a motion to read by title only, first reading Ordinance No. 44-09.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 44-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

Ordinance No. 44-09 – 1st Reading – Personnel & Safety

An ordinance amending Ordinance No. 138-07, to establish a compensation rate and the position of Skilled Worker to the Service Department, repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Yea, thank you. This is at the request of Director of Administration and I think it's a good idea. It gives us the ability to bring back a skilled worker that used to work with – for us or has skill in other things to help us out without having to pay medical or any other benefits other than the hourly rate. Any other – any questions? Pat.

Mr. DeOrio: Thank you. In this capacity do we have a definitive idea on how many hours an individual is going to work under this program?

Mr. Wise: Well we were thinking for the whole year it would be no more than a thousand. Now we're now into May almost June so 500 hours probably.

Mr. DeOrio: And are we figuring like 20 hours a week I guess or is it going to be a regular, is it fixed, is it varies, how is it going to work?

Mr. Wise: Well this particular individual would probably be somewhat more irregular. You know we may have him come in for three or four days a week if there's a lot of things to do on some of the vehicles. But at this point we don't have any real set schedule for him, it would be as needed.

Mr. DeOrio: It is going to be considered part-time?

Mr. Wise: Correct.

Mr. Revoldt: We can make it say that if you'd like. We're going to bring it back and it could...

Mr. DeOrio: Well the only...

Mr. Revoldt: say not to exceed a thousand hours.

Mr. DeOrio: The only reason I ask cause I just was asking around other places and I don't know that it applies here but in the situation where you have a public employee who retires and then comes back and comes back at a lesser pay in a full time capacity and I'm going to assume full time is the opposite of part-time, so time a full time capacity that according to the guidelines under PERS (Public Employee Retirement System) for health insurance, PERS is now kicking the health insurance off of the retirement portion that they came under and throwing it back out onto whoever the new employer is. And I don't know if that – how that applies. In this case I would assume that part-time is exempt from a number of different things. But I wanted to make sure that it stayed part-time that we didn't accidentally because of some crushing demand to get something done that we somehow kicked it above it became you know for a week or so a part – a full time employee in essence by violating the part-time rules and now all of a sudden we've got to start picking up health insurance contributions.

Mr. Wise: Okay.

Mr. DeOrio: So it's just kind of an FYI...

Mr. Wise: Alright. Now it's the 14.50 an hour in that even with part-time we have to pay Medicare and there's still a PERS contribution. But he wouldn't be covered under our health care it would be through his PERS retirement health care. But I understand your concern and certainly...

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Mr. DeOrio: My concern is PERS says we're kicking it to you know whoever the employer is now.

Mr. Wise: Right.

Mr. DeOrio: Being that he is retired he's obviously older and probably at a higher cost. You can see why they're doing it they want to...

Mr. Wise: Sure.

Mr. DeOrio: they want to get out from under it.

Mr. Revoldt: You know Pat has made a good point. And you know we are placing on this book – on the books a position that will last long – perhaps long after we do. And as we're going to bring this back we might want to define this skilled worker in the ordinance as part-time not to exceed one thousand hours per year. And that way it's clearly established, there is no authority then to pay that individual beyond that thousand hours and we're covered.

Mr. Davies: I would suggest you see what PER's – PERS' rules are and make sure that not just a thousand because they may go weekly as Pat says and so forth. So find out what they say. Make that part of the...

Mr. Revoldt: Right, okay. Well it's – Alex has indicated that it's no more than 32 hours per week and perhaps that's what we need to include in the ordinance.

Mr. Davies: But if you work let's say you had major problems and you brought him in for 38 hours one week then that week do you have to you know is he considered full time and then you have to kick in for his insurance. I mean I would – I think Pat's point is well taken you'd better make sure of that.

Mr. Revoldt: Well I think what we do is...

Mr. Davies: What exactly it says...

Mr. Revoldt: Alright, let's go back, let's confirm with PERS what – how they would treat that situation, what the rule is. Number two is, let's look or consider for our next reading some amendment to this ordinance that defines this employee more carefully that is consistent with PERS regs. But we clearly believe that we don't want to go above the 32 hours per week.

Mr. Peters: Go to the past point are there – could it possibly be two separate thresholds like you know a yearly and a weekly? You said it's 32 a week, right?

Mayor Held: Right.

Mr. Zumbar: Yea, you start pushing over 32 you're going to run into problems.

Mr. Snyder: What happened to the 20? I thought we were at 20.

Mr. Foltz: What happened to the seasonal?

Mayor Held: Well that the...

Mr. Foltz: Seasonal workers are 40 hours a week now.

Mayor Held: Yea if we can – what we'll do is we'll get the – we'll get a letter from PERS so that it can clearly define it cause we certainly, administratively, we have no intention of hiring this person full time, nor do we want to be in a position go beyond what ...

Mr. Revoldt: To answer your question...

Mr. DeOrio: And again – I'm sorry, go ahead.

Mr. Revoldt: I'm going to lose it if I don't get it out. The seasonal workers probably don't qualify because they don't make enough money on an annual basis.

Mr. Foltz: No, they take PERS out of seasonal.

Mayor Held: Yes and Medicare...

Mr. Zumbar: Yea, we take PERS out – everybody's required ...

Mr. Foltz: And Medicare. So I just think it's set hour. Cause I know from my experience with seasonal workers it's – it would run through like say April 1st through September 30th but you can only have so many hours in that window and I don't remember what it is because usually we're hiring kids that go off to college or high school and we never reach that threshold. So...

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Mr. Revoldt: Alright so the mission is we'd like to nail this down. Why don't we have this put on the agenda for Monday night, Jeff.

Mr. Peters: Yea.

Mr. Revoldt: And we'll revisit it. In the interim can we adopt the first reading? May I have a motion to adopt the first reading of Ordinance 44-09?

Mr. DeOrio moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 44-09. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

13. Mr. Revoldt: Item 13 a motion to read by title only, first reading of Ordinance 45-09.

Mr. DeOrio moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 45-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

Ordinance No. 45-09 – 1st Reading – Ordinance, Rules & Claims

An ordinance amending Section 2. of Ordinance No. 56-08 to change the date and time all matters to be placed on the Committee of the Whole agenda shall be reported to the Clerk of Council prior to the Committee of the Whole Meeting and declaring the same to be an emergency.

Mr. Revoldt: This is Pat's I told you so ordinance as it will be known for generations hereafter. It will simply advance the deadline. It's an acknowledgement that we have one person in the Council Office and we need a little extra time to get those packets ready for Committee of the Whole. Are there any other questions – questions, comments, opportunities to gloat?

Mr. DeOrio: At the risk of conflict of interest I would move to approve...

Mr. Revoldt: Thank you very much

Mr. DeOrio: my namesake.

Mr. Revoldt: It shall be yours, sir. It's been moved is there a second to adopt the first reading?

Mr. Peters: Second.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 45-09. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 45-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 45-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 45-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0

14. Mr. Revoldt: Item 14 a motion to read by title only, first reading of Ordinance 46-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 46-09. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

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An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the General Trust Fund to the General Trust – Fishing Rodeo Account in the amount of \$1,122.24 for the current expenses during the fiscal year ending December 31, 2009, and declaring the same to be an emergency.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Mr. President, members of Council, this amount of money was from donations and we're transferring it to cover prizes in the Fishing Rodeo which I believe in the first week of June. And that would be the amount \$1,122.24.

Mr. Revoldt: Questions or comments? Seeing none, then a motion to adopt the first reading of Ordinance 46-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 46-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 46-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 46-09. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 46-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 46-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

15. Mr. Revoldt: With council's permission I'd like to give Ordinance 47-09 and 48-09 a first reading tonight – not move forward. I've asked the Finance Director to consult with the Engineer, Mr. Bowles and the Administration to provide a written plan to fund the entire project. Give us in effect a fiscal roadmap prior to final adoption of these measures, if that's agreeable with council. And we'll pick this up then. I've consulted with Mr. Benekos, he believes that we can defer final action for 14 days. If that's okay. Seeing none, then let me move to Item 15, may I have a motion to read by title only, first reading of Ordinance 47-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 47-09. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, DeOrio.

No: Davies

Ordinance No. 47-09 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Main Street Rehab – Professional Services Account in the amount of \$50,000 for the current expenses during the fiscal year ending December 31, 2009, and declaring the same to be an emergency.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Mr. President, members of Council, we spoke about this. This was – this particular item if in fact we proceed will transfer the money so that we can pay it. This is a – that's what the purpose of the ordinance is for.

Mr. Revoldt: Any other questions or comments?

Mr. Davies: My only comment is last week Mr. Benekos gave us good news, bad news and so forth on grants and money and it seems we're three million dollars on doing Phase V and VI. And I can't vote for it till know where the money's going to come from. I know – talked about using a TIFF. I think that's bogus. So I can't in good conscious vote for this until I know where the money is going to come from to pay for it.

Mr. Revoldt: Any other questions or comments? Mr. Snyder.

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Mr. Snyder: Mr. President, maybe rather than proceed on the Ordinance 48-09 ...

Mr. Revoldt: 47.

Mr. Snyder: 47-09 maybe we'll defer this at this particular time and bring it back to the Council of the Whole so that it can be discussed in a proper manner.

Mr. Revoldt: Alright.

Mr. Snyder: And at that point I would respectfully request that the member that made the motion withdraw the motion and the second and we'll move accordingly and so that it can be discussed in a proper forum at the time. So be it next Monday night.

Mr. Revoldt: Withdraw it or just give it a first reading?

Mrs. Kiesling: Let's just - I'm okay with giving it a first reading.

Mr. Foltz: Give it a first reading - let's just move it.

Mr. Snyder: Just give it a first reading then.

Mr. Revoldt: Let's have it back for Monday night.

Mr. Snyder: For discussion of both.

Mr. Revoldt: The Administration and the Finance understands the charge before it. Let me...

Mr. Foltz: I make a motion to accept the first reading.

Mrs. Kiesling: I just want to make sure ...

Mr. DeOrio: It think it's already been moved and seconded.

Mr. Revoldt: It's been moved and seconded.

Mr. DeOrio: Inaudible...

Mrs. Kiesling: There's a timeframe because I'll be gone the first two Monday's in June and so you know I don't want to screw up a timeframe issue.

Mr. DeOrio: We just read it we need a motion.

Mr. Snyder: Well the thing you - it's important that the members to understand that even with the third read which you complete before that period - well it would be the first week of June, it will become effective because it does contain an emergency clause. Upon the third reading it's effective when the Mayor signs it.

Mrs. Kiesling: Alright.

Mr. Revoldt: It's been moved - the adoption has been moved and seconded will the Clerk please call the roll.

Mrs. Kalpac: Who seconded it?

Mr. Revoldt: Who seconded it?

Mr. DeOrio: Marcia did.

Mrs. Kiesling: Who motioned it - I thought I motioned it.

Mr. Peters: Doug did.

Mrs. Kiesling: Okay, I second.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 47-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, DeOrio, Foltz.

No: Davies

16. Mr. Revoldt: Now let's give Item 16 the same treatment, a motion to read by title only, first reading of Ordinance 48-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 48-09. All members present voting:

Yes: Peters, Revoldt, Snyder, DeOrio, Foltz, Kiesling.

No: Davies

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An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the design of the North Main Reconstruction Phase V Project, at a cost not to exceed \$50,000 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, members of Council, it's my understanding that this 50,000 is different from the original 50,000 that was appropriated for the streetscape of that same area. This is for the actual construction – reconstruction of the street integrity and so forth that goes into the street. Is that correct Mr. Benekos?

Mr. Benekos: Correct.

Mr. Snyder: And we will again give it the first reading hopefully and then bring it back next Monday to re-discuss it so we know exactly what you're moving forward for.

Mr. DeOrio: This is for the design?

Mr. Snyder: Design of the reconstruction portion...

Mr. DeOrio: Reconstruction portion.

Mr. Snyder: Not of the streetscape – we've already put 50 for the reconstruct – for the streetscape.

Mr. Benekos: We did 50 for the preliminary design...

Mr. Snyder: Right.

Mr. Benekos: So we could submit for funding.

Mr. Snyder: Right.

Mr. Benekos: This is to finalize the design.

Mr. Snyder: Right. So that's what this is for.

Mr. Revoldt: Questions or comments from the administration? Thank you for that clarification Mr. Snyder.

Mr. Snyder: Not a problem.

Mr. Revoldt: A motion to adopt the first reading of Ordinance 48-09.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 48-09. All members present voting:

Yes: Revoldt, Snyder, DeOrio, Foltz, Kiesling, Peters.

No: Davies.

17. Mr. Revoldt: Item 17, a motion to read by title only, first reading of Ordinance 49-08 (meant 09).

Mr. DeOrio: I'd go for 09.

Mr. Revoldt: 09, I'm sorry.

Mr. DeOrio: I'd move for that.

Mr. Revoldt: Thank you. You're having a good night tonight Mr. DeOrio.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 49-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

Ordinance No. 49-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Storm Sewer Maintenance – Professional Services Account in the amount of \$25,000 for the current expenses during the fiscal year ending December 31, 2009, and declaring the same to be an emergency.

Mr. Revoldt: Mr. Davies.

Mr. Davies: We're taking 25,000 out of the Capital Improvement Fund and putting in the Storm Sewer Fund. This is – is this for the design of the West Park is it?

Mr. Benekos: West Park – it's Portage and West Park.

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Mr. Davies: Portage and West Park.
Mr. Benekos: Correct.

Mr. Davies: Therefore, I move that we accept.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 49-09. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Mr. Revoldt: A motion to suspend the rules for Ordinance 49-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 49-09. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

Mr. Revoldt: A motion to adopt under the rules as suspended Ordinance 49-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 49-09. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

REPORTS:

Mr. Revoldt: Reports – Director of Law.
Mr. McFarren: No report.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: Yes sir, the projected or estimated revenues that are due to Council by the 15th you'll be getting those in this coming packet. I'll turn that over to the Clerk of Council here probably tomorrow morning. Other than that nothing else, sir.

Mr. Revoldt: Director of Administration.

Mr. Wise: Yes, the week of the 18th is EMS week. We are having an EMS breakfast at the North Canton Civic Center at 8:00 on Monday morning the 18th. There's then EMS open house on Tuesday the 19th from 6 to 9. There'll be a couple of helicopters flying, one a Metro helicopter from Life Flight and one of the Schinook's military helicopters from the Akron / Canton Airport. So if you could attend any of those it would be greatly appreciated. There are also some D.A.R.E. graduations coming up that same week. There's a D.A.R.E. graduation at Greentown on the 21st at noon. That's North Canton City School District outside the City of North Canton, however, and then the Northwood D.A.R.E. graduation at 10:00 on Friday the 22nd. Thank you.

Mr. Revoldt: Questions or comments? Mayor.

Mayor Held: Yes there was recently an event by the Blue Star Mothers of America. They had attended a number of months back here at City Council. And really what the Blue Star Mothers do is there's only three chapters in the country that have gotten together and held a luncheon for the Gold Star parents which are parents that lost a loved one that was serving in the military since 9-11. So they held an event – they didn't – they typically don't like to publicize these due to the fact that they're trying to respect the privacy of the parents who lost one of their children in the armed services. But they had an event here recently and it was fantastic. We had over 100 parents that lost their son or daughter in the State of Ohio since 9-11 while serving our country and very very touching, very very emotional event. And again, it's only the third time that they've held it. They held one in California and they have a chapter a local chapter here, the Canton / Akron Chapter No. 2. I mean what an event. It really was a very touching and just a very special event. They're hoping to hold another one of these luncheons next year but they do have a fund raising aspect and there was probably over 250 people that were in attendance. And so we're going to continue to work with them. And I know the council supported this but I just wanted to let you all know that the event went extremely well and we hope to host another event here in North Canton next year. But again it wasn't publicized due to the – out of respect for the parents that were there. But there were over 100 family members that were present.

Mr. Revoldt: Mr. Benekos.
Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.
Mr. Bowles: No report.

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Mr. Revoldt: Clerk.
Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: I just want to thank the administration ahead of time that I know we're getting our properties together that need mowed in our specific neighborhoods. So I talked to Tom today and I know we'll stay on top of it as quickly as we can and just ask our residents to be patient that we are on top of the job. Thank you.

Mr. Revoldt: These are foreclosed properties.

Mr. Foltz: Yes. High grass.

Mr. Revoldt: What kind of count do you have in your neighborhood?

Mr. Foltz: I have one in particular right now but I noticed a few driving around. I'm going together with Tom later – about three.

Mr. Revoldt: Anybody else have any particular problems?

Mr. Snyder: Mr. President, if I may, I was going – I had the privilege of a conversation with Member Foltz today. I have about four in my ward. I think we're somewhat remiss here as we could put these kids from high school or college to work and cut those grasses ourselves in a very timely manner because we're subject to putting it on the property tax anyway. And we have to wait till the weather is just right and I mean if you get four or five kids from the college and with a supervisor and a truck and some mowers they could probably work all summer cutting these lawns and they could be done much more timely. And their wages be placed upon the tax payers' duplicate. It accomplishes two things, one it cleans the neighborhood. The neighbors are not tolerant when they're waiting. First of all they go to dandelion and go to seed they blow in their yard and they've expended huge sums of money for fertilizer and weed control and it just goes for not. And I think you also put some kids to work that could use the money. I would think – I know Mr. Foltz has some background with that because they do that in the City of Canton and maybe we could look at that.

Mr. Revoldt: Pat, you had a comment.

Mr. DeOrio: Well I was going to say I think that we established you know some sort of due process by ordinance on this that there is a methodology that is followed. You know first there is a warning to give the property owner the opportunity to remedy it and then in if in fact that does not remedy it then I think the Law Department jumps in on that and eventually there's a citation issued, a fine's levied and I think it's like \$450, it gets put on their tax duplicate that they owe us.

Mr. Snyder: The problem becomes if it's a foreclosed property and it's at the bank, the bank could be anywhere. And I think Tom could tell you they ignore most of that. Because I know on Bonnett there's two alone that are that...

Mr. Foltz: Yea, why don't we bring it back.

Mr. Revoldt: Let's bring this back next...

Mr. Foltz: Let's bring it back and talk about it on the committee.

Mr. Revoldt: Clerk, we'll have this put on the agenda for Monday night. We've got some other issues Monday that are coming up. One of them is a discussion I – Gail, didn't I ask that we kind of hold the agenda light for our dispatch conversation with the Chief. He's been tasked off to gather some information and provide us with an opportunity to ask some questions and hear what the concerns are, so we can revisit that, but we'll do this one as well. Okay and a couple of these other quick ones if we can. Pat.

Mr. DeOrio: I think we're off to Jeff.

Mr. Foltz: Jeff's next.

Mr. Peters: No report other than to comment on what was just talked about. It's funny that it's brought up now because this past weekend there's a house right across the street, same thing it's been sitting empty for about four weeks and I took my lawn mower over and I started cutting it and

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two other neighbors brought their lawn mowers over we knocked it out in about a half hour. You know – I don't know everyone screams and cries about less government and streamline but then they come crying when the house next to them has their grass five, six inches long. You know get the lawn mower out there cut it, it's grass. Now if was a dilapidated house that's – that's another thing, but I don't know that just kind of rubs me the wrong way having us cut grass.

Mr. Foltz: Well just a – I think we've done that in the neighborhood but you can't expect us to do this year after year, every month, that's the problem.

Mr. Revoldt: I think the idea...

Mr. Foltz: I understand what you're saying.

Mr. Peters: You know if an eyesore is sitting next to my largest investment I'm going to make sure it's taken care of.

Mr. Revoldt: Yea, I understand. I think we have issues of liability, trespass ...

Mr. Foltz: Right.

Mr. Revoldt: and a whole range of issues. And certainly I'm glad Dottie has put her pen down. We're not encouraging...

Mr. Peters: Well if – some of these instances we can't find the bank.

Mr. Revoldt: volunteerism but if it magically gets mowed it get mowed.

Mr. Foltz: Jeff's lawn service.

Mr. Revoldt: But let's revisit this and I think what we want to do Randy see if we can compress this a little bit in a legal fashion. So okay, we'll have a discussion. Pat did you have any...

Mr. DeOrio: No, it's his turn next.

Mr. Revoldt: Or Jeff did you have anything to add? I'm working on it.

Mr. Davies: You were close. No report.

Mr. DeOrio: I had a question for Jim and I don't have my list of streets that are scheduled to be done with me I know you had passed out. But do I recollect that some portion of Chatham was on that...

Mr. Benekos: I believe there were a couple streets up in the Chatham Subdivision.

Mr. DeOrio: In the Chatham Subdivision but maybe not Chatham itself.

Mr. Snyder: Chatham was on that list.

Mr. DeOrio: Chatham's...

Mr. Benekos: Chatham was? Okay.

Mr. DeOrio: What – anybody recall what portion? Well the reason I bring it up is that I probably want to get on next week's agenda kind of the resolution of the speed bump issue or the speeding issue on Chatham itself and if we're doing some portion of that as far as resurfacing that maybe we may incorporate some resolution of this matter into that project or not. But I want to bring it up before the council. Thank you.

Mr. Revoldt: Now I'm in order. Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: No, nothing.

FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: Final call for business. Mrs. Burnett.

Suzanne Burnett: You know that I talk to you about using the sound system.

Unidentified: Oh gosh.

Ms. Burnett: There's somebody saying "oh gosh". Mr. McFarren gets the prize tonight and very often he is the one who speaks most clearly into the microphone. Now you all have microphones but you don't put them up to your mouths. You know microphones are intended to amplify sounds so please use your microphones.

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Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, May 11 7:00 p.m. 20 09

Mr. DeOrio: Mrs. Burnett ...

Mr. Davies: Mrs. Burnett come here.

Mr. DeOrio: No, no - if I have to speak into the microphone I'm going to have to go like this.

Mrs. Burnett: Well why can't you pull it up?

Mr. DeOrio: Because I can't pick it up and put it to my mouth.

Mrs. Burnett: Alright, you need to talk to somebody about that. I'm sorry, that's all. I'm a very - I've got very good ears but you guys need to talk so we can hear it.

Mr. DeOrio: We need to be louder.

Mrs. Burnett: You talk to each other. We're out here we need to hear you too. Thank you.

Mr. Revoldt: Duly noted.

Mr. DeOrio: Inaudible...

Mr. Davies: I was just going to show her where the mics were.

Mr. Revoldt: Mr. Osborne

Mr. Osborne: Do I have to go through the...

Mr. Revoldt: No, we know exactly who you are.

Mr. Osborne: I'm glad Mrs. Burnett is sitting down. She might be stunned but I wholeheartedly agree with everything she just said. I thought we turned tails here and we're on the same page.

Mrs. Burnett (speaking from audience): That's good. Thank you Chuck.

Mr. Osborne: Thank you.

ADJOURN:

Mr. Revoldt: Okay, thank you. And on that happy and agreeable note ...

Mrs. Burnett (speaking from audience): It's rare.

Mr. Revoldt: may I have a motion to adjourn?

Mr. Foltz moved and Mr. DeOrio seconded to adjourn the council meeting. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

The meeting adjourned at 8:03 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

5/15/09